

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:21-cr-00127

RAYMOND DUGAN

JOINT MOTION FOR DISCOVERY PROTECTIVE ORDER

The United States of America, by and through its attorney, Julie M. White, Assistant United States Attorney, Raymond Dugan, by and through his attorney, David Schles, file this motion for entry of a Discovery Protective Order.

Defendant Raymond Dugan was charged by Indictment on July 29, 2021, with a violation of 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2) (possession of child pornography). The investigation of the Defendant involved the Defendant's use of a website dedicated to child pornography, and the users thereof, which are subject to ongoing investigation.

Protected discovery materials the government intends to produce pursuant to its discovery obligations under Federal Rule of Criminal Procedure 16 include law enforcement sensitive items related to the ongoing investigation of investigative targets suspected of engaging in online child sexual exploitation. The dissemination of the government's protected investigative materials, including search warrant affidavits and reports of

investigation, and the information contained therein, could seriously jeopardize those continuing investigations.

The government requests that the Discovery Protective Order require that the Defendant may not disseminate protected investigative reports and search warrant materials to anyone other than counsel and members of the Defendant's litigation and investigative team. Materials covered by the Discovery Protective Order will be clearly labeled in the Bates stamp as DUGAN-PROTECTED-000xxx. As proposed in the Protective Order, defense counsel and the Defendant's litigation team may show and display these enumerated materials produced in discovery to the Defendant, but may not provide a copy of the materials to the Defendant or third parties to keep and maintain in their possession. Further, defense counsel and the Defendant's litigation team shall return materials produced in discovery to the United States Attorney's Office within 10 days upon conclusion of the case before this Court, or, if an appeal is taken, upon completion of such an appeal.

Any enumerated materials produced in discovery, or information contained therein, that are filed with the Court in connection with pre-trial motions, trial, sentencing, or other matter before this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this Court. This does not entitle either party to seal their filings as a matter of course.

The parties are required to comply in all respects to the relevant local and federal rules of criminal procedure pertaining to the sealing of court documents.

Any violation of any term or condition of the Proposed Order by the Defendant, the Defendant's attorney of record, any member of the defense team, or any attorney for the United States Attorney's Office for the Southern District of West Virginia, may be sanctioned by contempt of court, and/or may be subject to monetary or other sanctions as deemed appropriate by this Court.

This Motion and the proposed Protective Order is submitted for the purpose of ensuring that law enforcement sensitive information contained in protected discovery materials are not disseminated to third parties. For these reasons, the United States requests this Court to authorize the proposed Discovery Protective Order.

Dated this 26th day of August 2021.

Respectfully submitted,

LISA G. JOHNSTON
Acting United States Attorney

By:

/s/ Julie M. White
JULIE M. WHITE
Assistant United States Attorney
WV Bar No. 13971
300 Virginia Street, E Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Email: Julie.white@usdoj.gov

/s/ David Schles
DAVID SCHLES
Counsel for Defendant
WV Bar No. 6375
815 Quarrier Street, Suite 306
Charleston, WV 25301
Telephone: 304-344-1559
Email: Schleslaw@gmail.com